



715 P Street, 15-300
Sacramento, CA 95814

916.445.5511
DELTACOUNCIL.CA.GOV

CHAIR
Julie Lee

VICE CHAIR
Gayle Miller

MEMBERS
Diane Burgis
Frank C. Damrell, Jr.
Ben Hueso
Maria Mehranian
Daniel Zingale

EXECUTIVE OFFICER
Jessica R. Pearson

May 19, 2025

Edith Verdin
San Joaquin Council of Governments
555 E. Weber Ave.
Stockton, CA 95202

Delivered via email: rtp@sjcog.org

RE: Comments on Notice of Preparation of an Environmental Impact Report for the 2026 San Joaquin Council of Governments Regional Transportation Plan and Sustainable Communities Strategy, SCH#2025041249

Dear Edith Verdin:

Thank you for the opportunity to review and comment on the San Joaquin Council of Governments (SJCOC) Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the 2026 Regional Transportation Plan and Sustainable Communities Strategy for the San Joaquin Region (2026 RTP/SCS). The Delta Stewardship Council (Council) recognizes the objectives of the 2026 RTP/SCS, as described in the NOP, to update the region's goals and policies for meeting current and future mobility needs and identify programs, actions, and a revised plan of projects intended to address these needs consistent with adopted goals and policies. This letter summarizes the requirements of the Sacramento-San Joaquin Delta Reform Act of 2009 (Wat. Code, § 85000 et seq.; Delta Reform Act) pertaining to the 2026 RTP/SCS and provides the Council's comments on the NOP regarding the scope and content of the proposed draft EIR for the 2026 RTP/SCS.

The Council is an independent state agency established by the Delta Reform Act. The Delta Reform Act charges the Council with furthering California's coequal goals of providing a more reliable water supply and protecting, restoring, and enhancing the Sacramento-San Joaquin River Delta (Delta) ecosystem (Wat. Code, § 85054.) through the adoption and implementation of the Delta Plan. (Wat. Code, § 85300.) The Delta Plan contains regulatory policies, which are set forth in California Code of Regulations, title 23, sections 5001 et seq. The Delta Reform Act further states that the coequal goals are to be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place. (Wat. Code, § 85054.)

Delta Reform Act Requirements for Regional Transportation Plans and Sustainable Communities Strategies

Consultation

The Delta Reform Act grants the Council specific authority to review and advise local and regional planning agencies regarding the consistency of local and regional planning documents, including sustainable communities strategies (SCS) and alternative planning strategies, with the Delta Plan. (Wat. Code, § 85212.) The Delta Reform Act requires a metropolitan planning organization preparing a regional transportation plan that includes land within the Delta primary or secondary zones to consult with the Council early in the planning process regarding the issues and policy choices relating to the Council's advice. (Wat. Code, § 85212.)

Council's Review of the Draft Regional Transportation Plan and Sustainable Communities Strategy

The 2026 RTP/SCS is a plan for the San Joaquin County region, which includes the incorporated cities of Escalon, Lathrop, Lodi, Manteca, Mountain House, Ripon, Stockton, and Tracy, and all unincorporated areas under the jurisdiction of the County of San Joaquin. In addition to consultation, as described above, Water Code section 85212 requires SJCOG to provide to the Council both of the following:

- A draft SCS **no later than 60 days prior to the adoption of the final 2026 RTP/SCS.**

- **A concurrent** notice of its submission of the SCS in the same manner as a Certification of Consistency via electronic mail to coveredactions@deltacouncil.ca.gov.

If the Council concludes that the submitted draft SCS is inconsistent with the Delta Plan, the Council will provide to SJCOG a written notice of the claimed inconsistency **no later than 30 days prior to the adoption of the final 2026 RTP/SCS**. If SJCOG receives a timely written notice of inconsistency from the Council, SJCOG's adoption of the final 2026 RTP/SCS must include a detailed response to the Council's notice. (Wat. Code, § 85212.)

Please notify the Council via electronic mail addressed to Eva Bush (eva.bush@deltacouncil.ca.gov) when the adoption hearings for the final 2026 RTP/SCS are scheduled. The Council also would welcome a presentation by SJCOG staff to the Council on the draft 2026 RTP/SCS at a future Council meeting prior to the final adoption hearings.

Comments on Scope and Content of EIR for the 2026 RTP/SCS

A state or local agency that proposes to carry out, approve, or fund an action that occurs in whole or in part in the Delta is required to first determine whether that proposed action is a covered action and if so, prepare and submit to the Council a written Certification of Consistency with detailed findings as to whether the covered action is consistent with the Delta Plan. (Cal. Code Regs., tit. 23, § 5001, subd. (k); Wat. Code, § 85225.) The Delta Reform Act exempts actions within the secondary zone of the Delta that a metropolitan planning organization determines are consistent with an SCS that the State Air Resources Board has determined would achieve regional greenhouse gas emission reduction targets. (Wat. Code, § 85057.5, subd. (b)(4).) SJCOG is the metropolitan planning organization for the San Joaquin County region, which contains portions of the primary and secondary zones of the Delta. Thus, Water Code Section 85057.5, subdivision (b)(4), provides SJCOG with a significant role in shaping the state's Delta policy within the secondary zone. Although the 2026 RTP/SCS is not a covered action, SJCOG should ensure that it is consistent with the Delta Plan, as discussed in greater detail below.

Urban Development within the Delta

The Council exercises its authority through regulatory policies. (Cal. Code Regs., tit. 23, § 5001 et seq.) Delta Plan Policy **DP P1** (Cal. Code Regs., tit. 23, § 5010.) places

certain limits on new urban development within the Delta. New residential, commercial, or industrial development must be limited to areas that city or county general plans designate for that type of development as of the date of the Delta Plan's adoption, May 16, 2013.

The EIR should acknowledge Policy DP P1 in the regulatory setting for the Land Use and Planning section. The EIR should document how the 2026 RTP/SCS is consistent with the applicable general plan for new residential, commercial, or industrial development within the Delta. The Council also has an interest in recommended transportation projects in the 2026 RTP/SCS in and adjacent to the Delta. (Wat. Code, § 85212.)

Consistency with Ecosystem Restoration Needs

Water Code section 85212 requires that the Council's input on local and regional planning documents, including an SCS, include, but not be limited to, reviewing both of the following:

- The consistency of local and regional planning documents with the ecosystem restoration needs of the Delta.
- Whether the lands set aside for natural resource protection are sufficient to meet the Delta's ecosystem needs.

The Delta Plan designates six priority habitat restoration areas (PHRAs) that have the greatest potential for large-scale habitat restoration. (Cal. Code Regs., tit. 23, app. 5.) Delta Plan Policy **ER P3** (Cal. Code Regs., tit. 23, § 5007.) requires significant adverse impacts to the opportunity to restore habitat be avoided or mitigated in these areas (Cal. Code Regs., tit. 23, app. 5.)

Two PHRAs are located partially or wholly within the 2026 RTP/SCS planning area: the Cosumnes-Mokelumne Confluence and the Lower San Joaquin River Floodplain. The consistency of the 2026 RTP/SCS with the ecosystem restoration needs of the Delta is based on the 2026 RTP/SCS's impacts to the opportunity to restore habitat in these PHRAs. The EIR should describe the planned land uses identified in these areas and describe how significant adverse impacts to the opportunity to restore habitat in these locations would be avoided or mitigated.

Closing Comments and Next Steps

As SJCOG proceeds with development and environmental impact analysis for the 2026 RTP/SCS, the Council invites SJCOG to continue to engage Council staff to ensure consistency between the 2026 RTP/SCS and the Delta Plan and to ensure that the two plans are complementary in nature and serve to protect the Delta while promoting sustainable growth and economic vitality in the broader region.

Please contact Eva Bush at eva.bush@deltacouncil.ca.gov with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff Henderson", with a long horizontal flourish extending to the right.

Jeff Henderson

Deputy Executive Officer